

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**August 17 of 2006**



**PE 06-05: Burton Creek Development Ltd.**

**CASE DESCRIPTION:** request for approval of an exception from the requirement to install public infrastructure to a platted lot

**LOCATION:** Approximately 460 feet from the dead end of Red River Drive

**LEGAL DESCRIPTION:** Chapman Well Site, 1.66 Acres, John Austin League, A-2, Bryan, Brazos County, Texas

**EXISTING LAND USE:** Oil well

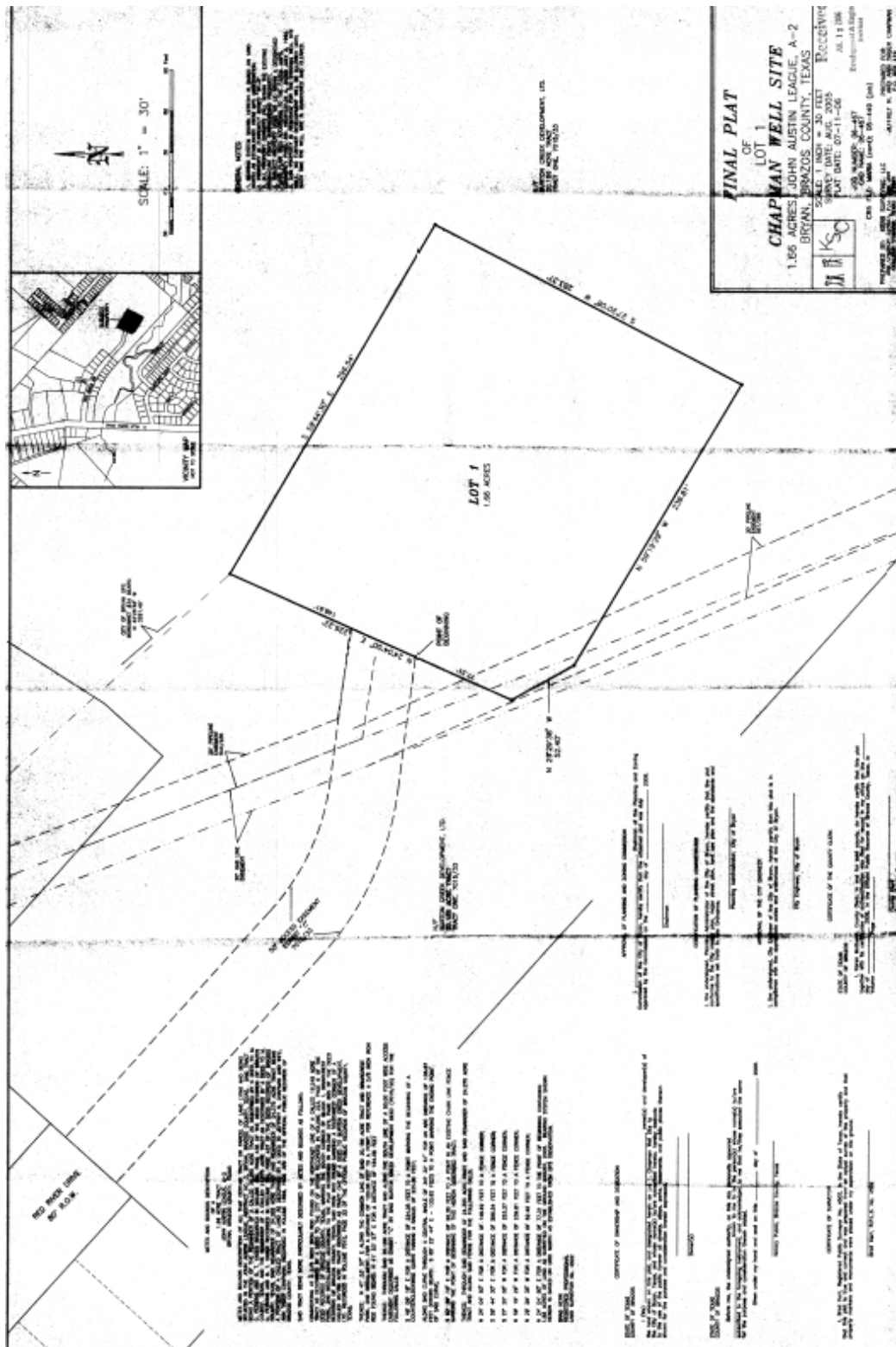
**ZONING:** 'RD-5' Residential District 5000

**APPLICANT(S):** Burton Creek Development Ltd.

**STAFF CONTACT:** John Dean, Transportation Planner

**SUMMARY RECOMMENDATION:** Staff recommends **approving** the requested exception.





## **BACKGROUND:**

The applicant is requesting an exception to the public infrastructure requirements associated with the platting of an oil well site in the John Austin League, A-2. This request is the result of an unlawful subdivision of land which took place in the Briar Meadows Creek Phase 3 development.

## **ANALYSIS:**

The Planning and Zoning Commission may authorize exceptions from standards of the Subdivision Ordinance. The Planning and Zoning Commission may authorize such exceptions when, in their opinion, compliance would not be in the public interest. In granting an exception, the Planning and Zoning Commission shall prescribe only conditions that they deem necessary or desirable in the public interest.

In making its findings, the Planning and Zoning Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such exception upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.

No exception shall be granted unless the Planning and Zoning Commission finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of the standards would deprive the applicant of the reasonable use of the land.

**This request has come forward at this time (rather than when Briar Meadows Creek Phase 3 is subdivided) due to an unlawful subdivision of land which took place so that the previous owner could retain ownership of the oil well site. Infrastructure will be extended to this lot as development occurs on the adjoining tract. The extension of infrastructure to this site at this time is unreasonable because the oil well has no use for this infrastructure; furthermore, infrastructure will be extended to this site when development of Briar Meadows Creek Phase 3 occurs.**

2. That the exception is necessary for the preservation and enjoyment of the property.

**The granting of this exception is necessary for the owner to avoid the above referenced hardships.**

3. That the granting of the exception will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area

**Staff contends that granting the exception would not be detrimental to public health, safety, or welfare as the adjoining property is owned by the applicant, and infrastructure will be extended to this site as the adjoining property is developed.**

4. That the granting of the exception will not have the effect of preventing the orderly subdivision of adjoining land in the vicinity in accordance with the provisions of this Ordinance.

**Granting the exception would not effect the development of other property in the vicinity.**

**RECOMMENDATION:**

Staff recommends **approving** the requested exception.